

RECEIVED
CENTRAL FAX CENTER

APR 03 2006

PATENT
ATTORNEY DOCKET
NO. 2000P09128 US01IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kockmann, et al.
Serial No.: 09/751,949
Filed: December 28, 2000
Title: **SYSTEM AND METHOD FOR
ADAPTIVE CARRIER
OCCUPANCY IN A
FREQUENCY HOPPING
SPREAD SPECTRUM SYSTEM**
Group Art Unit: 2637
Examiner: Tee

) CERTIFICATE OF FACSIMILE TRANSMISSION
) The undersigned hereby certifies that this document is
) being facsimile transmitted to the fax number and date
) given below.
) Facsimile Number: 571-273-8300
) No. of Pages: Resp (1) + Claims Section (4)
) + cc of Not (2) = Total (7)
) Date Transmitted: April 3, 2006
) By: Peggy Simmons
Peggy Simmons

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed March 24, 2006 (copy enclosed), attached please find a corrected copy of the IN THE CLAIMS section (namely pages 2-5) of the Amendment originally faxed on December 6, 2005. The edits are contained solely in the caption following the claim number, in particular the status identifier of claim 12.

It is believed no fee is due for this response, however, if the Examiner disagrees, please charge Deposit Account No. 19-2179. Please charge this deposit account, at any time during the pendency of this application, for any additional fees required, or credit any overpayment, pursuant to 37 CFR §1.25.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation
Customer No. 28524
Attn: Elsa Keller, Legal Administrator
170 Wood Avenue South
Iselin, NJ 08830

Respectfully submitted,

Anand
Anand Sethuraman, Reg. No. 43,351
Attorney(s) for Applicant(s)
Telephone: 650-943-7554
Date: 3/31/06

BEST AVAILABLE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

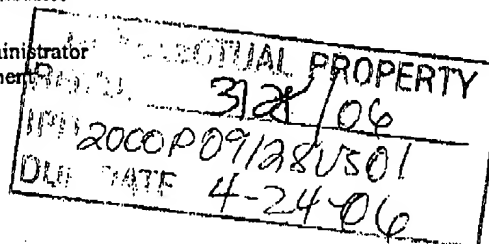
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONTINUATION NO.
09/751,949	12/28/2000	Juergen Kockmann	00 P 9128 US	8563

7590

03/24/2006

Siemens Corporation
 Attn: Elsa Keller, Legal Administrator
 Intellectual Property Department
 186 Wood Avenue South
 Iselin, NJ 08830



EXAMINER

TSE, YOUNG TOI

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/751,949

Applicant(s)

KOCKMANN ET AL.

Examiner

YOUNG T. TSE

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 March 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

YOUNG T. TSE

Telephone No.

571-272-8051

U.S. Patent and Trademark Office

PRIMARY EXAMINER

Part of Paper No. 03172006

NOT AVAILABLE COPY